

# **STATE PERSONNEL BOARD CALENDAR**



**FEBRUARY 20, 2007**

**SACRAMENTO**

# State of California

## Memorandum

**DATE:** February 9, 2007

**TO:** ALL INTERESTED PARTIES

**FROM:** STATE PERSONNEL BOARD – Executive Office

**SUBJECT:** Notice and Agenda for the **February 20, 2007**, meeting of the State Personnel Board.

PLEASE TAKE NOTICE that on February 20, 2007, at offices of the State Personnel Board, located at 801 Capitol Mall, Room 150, Sacramento, California, the State Personnel Board will hold its regularly scheduled meeting. Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 W. 4<sup>th</sup> Street, Los Angeles, California.

The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item.

Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any of the items considered in the public sessions for the February 20, 2007, meeting, please contact staff in the Secretariat's Office, State Personnel Board, 801 Capitol Mall, MS 52, Sacramento, California 95814 or by calling (916) 653-0429 or TDD (916) 654-2360, or the Internet at:

**<http://www.spb.ca.gov/calendar.htm>**

Should you have any questions regarding this Notice and Agenda, please contact staff in the Secretariat's Office at the address or telephone numbers above.



Karen Yu  
Secretariat's Office

Attachment



## **CALIFORNIA STATE PERSONNEL BOARD MEETING<sup>1</sup>**

801 Capitol Mall  
Sacramento, California

Public Session Location – 801 Capitol Mall  
Sacramento, California, Room 150  
Teleconference – 320 West 4<sup>th</sup> Street<sup>2</sup>  
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall  
Sacramento, California, Room 141  
Teleconference – 320 West 4<sup>th</sup> Street  
Los Angeles, California Suite 620

## **MID MONTH BOARD MEETING – FEBRUARY 20, 2007**

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<sup>1</sup> Sign Language Interpreter will be provided for Board Meeting upon request - contact Secretariat at (916) 653-0429, or CALNET 453-0429, TDD (916) 654-2360.

<sup>2</sup>Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 West 4<sup>th</sup> Street, Los Angeles, California.

**MID MONTH BOARD MEETING AGENDA<sup>3</sup>**

**FEBRUARY 20, 2007**  
9:00 a.m. – 10:30 a.m.  
(or upon completion of business)

PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND ARE SUBJECT TO CHANGE

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**(9:00 a.m. – 9:30 a.m.)**

- 1. ROLL CALL**
- 2. REPORT OF THE EXECUTIVE OFFICER – Floyd D. Shimomura**
- 3. REPORT OF THE CHIEF COUNSEL – Elise Rose**
- 4. NEW BUSINESS**

Items may be raised by Board Members for scheduling and discussion for future meetings.

- 5. REPORT ON LEGISLATION – Sherry Evans**

The Board may be asked to adopt a position with respect to the bills listed on the legislation memorandum attached hereto.

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

**(9:30 a.m. – 10:00 a.m.)**

- 6. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing.  
[Government Code Sections 11126(d), 18653.]

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<sup>3</sup> The Agenda for the Board Meetings can be obtained at the following internet address:  
<http://www.spb.ca.gov/calendar.htm>

**7. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES**

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]

**8. PENDING LITIGATION**

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial. [Government Code sections 11126(e)(1) and 18653.]

Patrick McCollum v. State of California

United States District Court, Northern District of California  
Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.

Case No. C01-1351 TEH

**9. RECOMMENDATIONS TO THE LEGISLATURE**

Deliberations on recommendations to the legislature. [Government Code section 18653.]

**10. RECOMMENDATIONS TO THE GOVERNOR**

Deliberations on recommendations to the Governor. [Government Code section 18653.]

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**(10:00 a.m. – Onwards)**

**11. DISCUSSION OF UPCOMING BOARD MEETING SCHEDULE OF MARCH 2, 2007, IN SACRAMENTO, CALIFORNIA**

**BOARD ACTIONS:**

**12. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF JANUARY 23, 2007**

13. **EVIDENTIARY CASES - (See Case Listings on Pages 8–13)**
14. **RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE SECTION 18671.1 EXTENSION - (See Agenda on Pages 21–22)**
15. **NON-EVIDENTIARY CASES - (See Case Listings on Pages 14–17)**
16. **NON-HEARING CALENDAR**

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing.

Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code section 18500 et seq.) and Article VII, California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

- A. **BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.**

**NONE**

- B. **ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

**THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD** propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

**NONE**

**17. STAFF CALENDAR ITEMS FOR BOARD INFORMATION**

**NONE**

**18. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY**

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Merit Employment and Technical Resources Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and the State Personnel Board approves it, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

**A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

**DEPUTY DIRECTOR, *PLATA* PERSONNEL AND STAFF DEVELOPMENT**

The California Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Deputy Director, *Plata* Personnel and Staff Development has statewide leadership responsibility for the development, review, modification, monitoring and implementation of policies, standards, and practices for the *Plata*-related human resources function in relation to the adequate delivery of medical care under the auspices of the *Plata* Receivership.

**ASSOCIATE DIRECTOR, ACCOUNTING SERVICES**

The California Department of Corrections and Rehabilitation (CDCR) proposes to allocate the above position to the CEA category. The Associate Director, Accounting Services is responsible for planning, developing, implementing and setting policy for the CDCR's accounting functions.

**CHIEF DEPUTY DIRECTOR/CHIEF OF ADMINISTRATION**

The California Health and Human Services Agency, Office of Systems Integration (OSI) proposes the above position to the CEA category. The Chief Deputy Director/Chief of Administration serves as OSI's representative for the implementation of fiscal policy with governmental entities, including federal and local governments.

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

**ASSISTANT SECRETARY, OFFICE OF PROGRAM AND FISCAL AFFAIRS, CALIFORNIA CHILD WELFARE COUNCIL**

The California Health and Human Services Agency's request to allocate the above position to the CEA category has been approved effective January 22, 2007.

**DEPUTY DIRECTOR, STATEWIDE MENTAL HEALTH PROGRAM**

The California Department of Corrections and Rehabilitation's request to allocate the above position to the CEA category has been approved effective January 22, 2007.

**CHIEF, PHARMACY DIVISION**

The California Department of Health Services' request to allocate the above position to the CEA category has been approved effective January 25, 2007.



**DEPUTY DIRECTOR OF THE UNEMPLOYMENT INSURANCE  
MODERNIZATION (UIMOD) PROJECT**

The California Health and Human Services Agency, Office of Systems Integration, has withdrawn their proposal to allocate the above position to the CEA category effective January 29, 2007.

**19. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

**20. WRITTEN STAFF REPORT FOR BOARD INFORMATION**

**21. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY**

**22. BOARD ACTIONS ON SUBMITTED ITEMS – (See Agenda on Pages 18–20)**

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those are listed separately by category on this agenda under Evidentiary Cases.

**A D J O U R N M E N T**

### 13. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

#### A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting. Cases that are before the Board for vote will be provided under separate cover.

(1) **CASE NO. 05-0053A**

Appeal from dismissal

**Classification:** Park Maintenance Assistant

**Department:** Department of Parks and Recreation

Proposed decision rejected October 10, 2006.

Transcript prepared.

Pending oral argument February 6-7, 2007, Los Angeles.

Oral argument heard February 6, 2007.

Case ready for decision by FULL Board.

(2) **CASE NO. 06-1433**

Appeal from official reprimand

**Classification:** Correctional Officer

**Department:** Department of Corrections and Rehabilitation

Proposed decision taken under submission December 5, 2006.

(3) **CASE NO. 05-1567A**

Appeal from dismissal

**Classification:** Housing Finance Specialist (General)

**Department:** California Housing Finance Agency

Proposed decision rejected July 11, 2006.

Transcript prepared.

Pending oral argument October 31-November 1, 2006, San Diego.

Oral argument continued.

Pending oral argument December 5, 2006, San Francisco.

Oral argument heard December 5, 2006.

Case ready for decision by FULL Board.

(4) **CASE NO. 06-1310**

Appeal from 14 working days suspension

**Classification:** Regional Administrator

**Department:** Department of Corrections and Rehabilitation

Proposed decision taken under submission December 5, 2006.

**(5) PSC NO. 06-02**

Appeal from Executive Officer's June 28, 2006 approval of the Department of Corrections and Rehabilitation Personal Services Contracts for Psychological Services.

**Department:** Department of Corrections and Rehabilitation

**Employee Organization:** AFSCME, Local 2620, AFL-CIO

Oral argument heard January 9, 2007.

Case ready for decision by FULL Board.

**(6) PSC NO. 06-04**

Appeal from Executive Officer's August 15, 2006 disapproval of a Personal Services Contract for Hearing Reporter Transcription Services.

**Department:** California Air Resources Board

Oral argument heard January 9, 2007.

Case ready for decision by FULL Board.

**B. CASES PENDING**

**ORAL ARGUMENTS**

**NONE**

**C. CHIEF COUNSEL RESOLUTIONS**

**NONE**

**COURT REMANDS**

This case has been remanded to the Board by the court for further Board action.

**NONE**

**STIPULATIONS**

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

**NONE**

**D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS**

**PROPOSED DECISIONS**

These are ALJ proposed decisions submitted to the Board for the first time.

- (1) **CASE NO. 04-1746E**  
Appeal from whistleblower/retaliation complaint  
**Classification:** Correctional Sergeant  
**Department:** Department of Corrections and Rehabilitation
- (2) **CASE NO. 06-1912**  
Appeal from dismissal  
**Classification:** Senior Correctional Counselor  
**Department:** Department of Corrections and Rehabilitation
- (3) **CASE NO. 06-0188**  
Appeal from dismissal  
**Classification:** Physician and Surgeon, CF  
**Department:** Department of Corrections and Rehabilitation
- (4) **CASE NO. 05-4449**  
Appeal from 44 hour suspension  
**Classification:** Police Officer  
**Department:** California State University, Humboldt
- (5) **CASE NO. 05-1043**  
Appeal from dismissal  
**Classification:** Tax Counsel, Range D  
**Department:** Board of Equalization
- (6) **CASE NO. 05-1887**  
Appeal from 20 work days suspension  
**Classification:** Tax Auditor III  
**Department:** Employment Development Department

**PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING**

These are ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

**NONE**

**PROPOSED DECISIONS AFTER BOARD REMAND**

NONE

**PROPOSED DECISIONS AFTER SPB ARBITRATION**

NONE

**E. PETITIONS FOR REHEARING**

**ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD**

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

**(1) CASE NO. 05-0929P**

Appeal from rejection during probation

**Classification:** Health Program Manager I

**Department:** Department of Health Services

**(2) CASE NO. 06-1568P**

Appeal from demotion

**Classification:** Correctional Captain

**Department:** Department of Corrections and Rehabilitation

**WHISTLEBLOWER NOTICE OF FINDINGS**

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

NONE

**F. PENDING BOARD REVIEW**

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

**(1) CASE NO. 05-1007EA**

Appeal from denial of discrimination complaint

**Classification:** Outside contractor

**Department:** Department of Transportation

Proposed decision rejected December 19, 2006.

Pending oral argument April 3-4, 2007, Sacramento.

- (2) **CASE NO. 06-0760A**  
Appeal from rejection during probation  
**Classification:** Parole Agent I (Adult Parole)  
**Department:** Department of Corrections and Rehabilitation  
  
Proposed decision rejected November 14, 2006.  
Transcript prepared.  
Pending oral argument February 6-7, 2007, Los Angeles.  
Oral argument continued.  
Pending oral argument May 1-2, 2007, Los Angeles.
- (3) **CASE NO. 06-0235A**  
Appeal from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
  
Proposed decision rejected January 9, 2007.  
Pending transcript.
- (4) **CASE NO. 05-2211A**  
Appeal from dismissal  
**Classification:** Senior Tax Compliance Representative  
**Department:** Employment Development Department  
  
Proposed decision rejected September 20, 2006.  
Transcript prepared.  
Pending oral argument February 6-7, 2007, Los Angeles.  
Oral argument continued  
Pending oral argument March 6-7, 2007, Sacramento.
- (5) **CASE NO. 05-2888PA**  
Appeal from dismissal  
**Classification:** Staff Services Analyst (General)  
**Department:** Department of Consumer Affairs  
  
Petition for rehearing granted October 31, 2006.  
Transcript prepared.  
Pending oral argument March 6-7, 2007, Sacramento.
- (6) **CASE NO. 05-1285A**  
Appeal from dismissal  
**Classification:** Public Safety Dispatcher II  
**Department:** Department of California Highway Patrol  
  
Proposed decision rejected January 9, 2007.  
Pending transcript.

- (7) **CASE NO. 05-1067A**  
Appeal from dismissal  
**Classification:** Investigator  
**Department:** Department of Motor Vehicles  
  
Proposed decision rejected January 9, 2007.  
Pending transcript.
- (8) **CASE NO. 04-2919ERPA**  
Appeal of discrimination and retaliation  
**Classification:** Physician and Surgeon  
**Department:** Department of Corrections and Rehabilitation  
  
Petition for rehearing granted September 20, 2006.  
Transcript prepared.  
Pending oral argument February 6-7, 2007, Los Angeles.  
Oral argument continued.  
Pending oral argument May 1-2, 2007, Los Angeles.
- (9) **CASE NO. 05-0927BA**  
Appeal for back salary determination  
**Classification:** Correctional Sergeant  
**Department:** Department of Corrections and Rehabilitation  
  
Proposed decision rejected December 5, 2006.  
Transcript prepared.  
Pending oral argument April 3-4, 2007, Sacramento.
- (10) **CASE NO. 05-4416PA**  
Appeal from 10 percent reduction in salary for 13 pay periods  
**Classification:** Medical Technical Assistant (Correctional Facility)  
**Department:** Department of Corrections and Rehabilitation  
  
Petition for rehearing granted November 14, 2006.  
Transcript prepared.  
Pending oral argument April 3-4, 2007, Sacramento.
- (11) **CASE NO. 06-0392A**  
Appeal of five percent reduction in salary for 24 months  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
  
Proposed decision rejected October 31, 2006.  
Transcript prepared.  
Pending oral argument March 6-7, 2007, Sacramento.

**15. NON-EVIDENTIARY CASES**

**A. WITHHOLD APPEALS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

**WITHHOLD FROM CERTIFICATION**  
**CASES HEARD BY A STAFF HEARING OFFICER**

**NONE**

**WITHHOLD FROM CERTIFICATION**  
**CASES NOT HEARD BY A STAFF HEARING OFFICER**

- (1) CASE NO. 05-4153**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information.
- (2) CASE NO. 05-3673**  
**Classification:** Hospital Police Officer  
**Department:** California Department of Mental Health  
**Issue:** Suitability; negative driving record and negative law enforcement contacts.
- (3) CASE NO. 05-1466**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections & Rehabilitation  
**Issue:** Suitability; misdemeanor conviction.
- (4) CASE NO. 05-4098**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; failed to provide missing information.
- (5) CASE NO. 05-1813**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; illegal drug activity.
- (6) CASE NO. 05-2811**  
**Classification:** Motor Vehicles Field Representative  
**Department:** California Department of Motor Vehicles  
**Issue:** Suitability; arrest/conviction record.



- (7) **CASE NO. 06-0250**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information and furnished inaccurate information.
- (8) **CASE NO. 05-3244**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; firearms prohibition.
- (9) **CASE NO. 05-2805**  
**Classification:** Medical Technical Assistant  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted information and furnished inaccurate information.
- (10) **CASE NO. 05-2298**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; negative law enforcement contacts.
- (11) **CASE NO. 05-1689**  
**Classification:** Medical Technical Assistant  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information, furnished inaccurate information.
- (12) **CASE NO. 05-3665**  
**Classification:** Investigator, DMV  
**Department:** California Department of Motor Vehicles  
**Issue:** Suitability; negative employment record and failure to comply with financial obligations.
- (13) **CASE NO. 05-1123**  
**Classification:** Motor Vehicles Field Representative  
**Department:** California Department of Motor Vehicles  
**Issue:** Suitability; arrest/conviction record.

**B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS**

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

**NONE**

**C. EXAMINATION APPEALS**  
**MINIMUM QUALIFICATIONS**  
**MERIT ISSUE COMPLAINTS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

- (1) **CASE NO. 05-0573**  
**CASE NO. 05-1755**  
**CASE NO. 05-1817**  
**CASE NO. 05-2541**  
**CASE NO. 05-4351**  
**CASE NO. 05-4397**  
**CASE NO. 05-4508**  
**CASE NO. 06-1550N**  
**CASE NO. 06-1669N**  
**Classification:** Environmental Scientist  
**Department:** State Water Resource Control Board  
**Issue:** Whether appellant meets the minimum qualifications.

**D. RULE 211 APPEALS**  
**RULE 212 OUT OF CLASS APPEALS**  
**VOIDED APPOINTMENT APPEALS**

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

- (1) **CASE NO. 05-4173**  
**Classification:** Correctional Counselor III  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Was appointment of the appellant properly voided based on the fact that the appellant did not have eligibility to transfer to CC III at the CDCR?

**E. REQUEST TO FILE CHARGES CASES**

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

**(1) CASE NO. 05-3890**

**Classification:** Associate Civil Engineer

**Department:** Department of Parks and Recreation

**Issue:** The charging party requests to file charges against employees of the Department of Parks and Recreation.

**(2) CASE NO. 05-1293**

**Classification:** Member of the public.

**Department:** Department of Corrections and Rehabilitation

**Issue:** The charging party requests that charges be filed against the charged party for violations of various subsections of Government Code, §19572.

**PETITIONS FOR REHEARING CASES**

**NONE**

**SUBMITTED**

**1. TEACHER STATE HOSPITAL (SEVERELY), ETC.**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**2. VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES)**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**3. TELEVISION SPECIALIST (SAFETY)**

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

**4. HEARING – Personal Services Contract #04-03**

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

**5. HEARING**

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

**6. PSC NO. 06-03**

Appeal from Executive Officer Decision Disapproving Personal Services Contract for Unarmed Security Guard Services. Department of the California Highway Patrol. Service Employees International Union, Local 1000 (CSEA). (Oral argument held October 10, 2006.)

**7. CASE NO. 05-0947A**

Appeal from dismissal. Housing Finance Specialist (General). California Housing Finance Agency. (Oral argument held December 5, 2006.)

**8. CASE NO. 06-1814**

Appeal from official letter of reprimand. Correctional Officer. Department of Corrections and Rehabilitation. (Presented to Board December 5, 2006.)

**9. CASE NO. 06-1310**

Appeal from 14 working days' suspension. Regional Administrator. Department of Corrections and Rehabilitation. (Presented to Board December 5, 2006.)

**10. CASE NO. 05-1975**

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

**11. CASE NO. 05-1466**

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

**12. CASE NO. 05-1977**

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

**13. CASE NO. 05-1029**

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

**14. CASE NO. 05-2290**

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

**15. CASE NO. 05-1169**

Correctional Officer. Department of Corrections and Rehabilitation. Suitability; whether appellant's name was properly withheld for one DUI conviction. (Presented to Board December 5, 2006.)

**16. CASE NO. 05-1681**

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

**17. CASE NO. 05-1170**

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

**18. HEARING – PUBLIC HEARING ON PROPOSED COST SAVINGS  
REGULATIONS UNDER GOVERNMENT CODE SECTION 19130, SUBDIVISION (A)**  
(Hearing held January 9, 2007.)

**19. PSC #06-02**

Appeal of AFSCME from Executive Officer Decision Approving Department of Corrections and Rehabilitation. Personal Services Contracts for Psychological Services.  
(Oral argument held January 9, 2007.)

**20. PSC #06-04**

Appeal of California Air Resources Board from Executive Officer Decision Disapproving Personal Services Contract for Hearing. Reporter Transcription Services.  
SEIU Local 1000. (Oral argument held January 9, 2007.)

**21. CASE NO. 05-0053A.** Appeal from dismissal. Park Maintenance Assistant.  
Department of Parks and Recreation. (Oral argument held February 5-6, 2007.)

**NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

**GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

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(Cal. 2/20/07)

TO: Members  
State Personnel Board

FROM: State Personnel Board - Legislative Office

SUBJECT: LEGISLATION

There is no written legislative report at this time. I will give a verbal presentation on any legislative action that has taken place that will be of interest to the Board.

Please contact me directly should you have any questions or comments regarding any bills that you may have an interest in. I can be reached at (916) 653-0453.

A handwritten signature in cursive script that reads 'Sherry A. Evans'.

Sherry A. Evans  
Director of Legislation

**STATE PERSONNEL BOARD**

**NON-HEARING CALENDAR**

**RE: BOARD DATE FEBRUARY 20, 2007**

(Cal. 2/20/07)

**MEMO TO :** STATE PERSONNEL BOARD

**FROM :** KAREN COFFEE, Chief, Merit Employment and  
Technical Resources Division

**SUBJECT :** Non-Hearing Calendar Items for Board Action

**NONE PRESENTED**

(Cal. 2/20/07)

**MEMO TO** : STATE PERSONNEL BOARD

**FROM** : KAREN COFFEE, Chief, Merit Employment and  
Technical Resources Division

**SUBJECT** : Staff Calendar Items for Board Information

**NONE PRESENTED**